

**United States District Court
for the
Southern District of New York**

COSMO CAMPODONICO)	
Plaintiff)	Civil Action No. 7:18-CV-08606
v.)	
WAL-MART STORES EAST, LP)	
Defendant)	

**JUDGMENT IN A CIVIL ACTION
Per NY CPLR Art. 50-B**

The above entitled action having duly come on for a trial before the **HONORABLE ANDREW E. KRAUSE**, Magistrate Judge, and a jury beginning on the 2nd day of August, 2022, and ending on the 5th day of August, 2022, and the plaintiff **COSMO CAMPODONICO**, having appeared by his attorneys, **LUCCHESI AND D'AMMORA, LLP**, by **ROBERT LUCCHESI**, and the defendant, **WAL-MART STORES EAST, LP**, having appeared by their attorneys, **BRODY, O'CONNOR & O'CONNOR, ESQS.**, by **THOMAS O'CONNOR**,

AND, a jury, after due deliberation, having returned a verdict on liability on the 5th day of August 2022, in favor of the plaintiff, **COSMO CAMPODONICO**, and against the defendant, **WAL-MART STORES EAST, LP**,

AND, the jury, after due deliberation, having returned a verdict on damages on the 5th day of August 2022, and the jury having awarded damages as follows:

Past Damages

Pain and suffering:	\$	600,000.00
Medical Expenses	\$	122,241.13 [Stipulated Amount]

Future Damages

Pain and suffering: \$ 2,400,000.00 over 12 years
[reduced to 10 years per CPLR 5041(e)]

Total Award \$ 3,122,241.13

AND, by decision dated August 5, 2022, the jury having apportioned liability in the amount of 49% to defendant, **WAL-MART STORES EAST, LP**, and 51% to plaintiff **COSMO CAMPODONICO**,

AND, after apportionment of defendant's 49% liability, the remaining damages awarded to plaintiff with interest accruing from the date of liability, August 5, 2022, are in the amounts as follows:

Past Damages

Pain and suffering: \$ 294,000.00

Medical Expenses \$ 59,898.15

Future Damages

Pain and suffering: \$ 1,176,000.00 over 12 years
[reduced to 10 years per CPLR 5041(e)]

Total Award \$ 1,529,898.15

AND, the applicable increase factor per NY CPLR Art. 50-B is 4% and the discount rate used to determine the present value of the future damages is 2.83% for the 10 year award;

NOW, on motion of **LUCHESE AND D'AMMORA, LLP**, attorneys for the plaintiff, **COSMO CAMPODONICO**, it is

ORDERED AND ADJUDGED, that plaintiff, **COSMO CAMPODONICO**, residing at 296 Piermont Avenue, South Nyack NY 10960, recover and have judgment against the defendant, **WAL-MART STORES EAST, LP**, located at 250 NY 59 Suffern NY 10901, for a lump sum of **THREE HUNDRED NINETY EIGHT THOUSAND TWO HUNDRED FIFTY TWO DOLLARS AND EIGHTY SIX CENTS (\$398,252.86)** said amount representing defendants' liability on the net lump sum awarded to plaintiff for past damages in the amount of \$233,385.30 and plaintiff's share of the first \$250,000 of future damages paid in cash in the amount of \$164,867.56. All amounts are after deduction of attorney's fees and expenses. Interest shall accrue on the said amount of \$398,252.86 from the liability date August 5, 2022 to the entry of judgment and the Plaintiff shall have execution thereon, and it is further

ORDERED AND ADJUDGED, that the plaintiff, **COSMO CAMPODONICO**, recover and have judgment against the defendant, **WAL-MART STORES EAST, LP**, for attorney's fees in the sum of **FIVE HUNDRED FIFTEEN THOUSAND NINE HUNDRED TWENTY SEVEN DOLLARS AND FIFTY FOUR CENTS (\$515,927.54)** and **SIXTEEN THOUSAND FIVE HUNDRED FOURTEEN DOLLARS AND SEVENTY ONE CENTS (\$16,514.71)** for litigation expenses for a total of **FIVE HUNDRED THIRTY TWO THOUSAND FOUR HUNDRED FORTY TWO DOLLARS AND TWENTY FIVE CENTS (\$532,442.25)**, and the Plaintiff shall have execution thereon, and it is further

ORDERED AND ADJUDGED, that plaintiff, **COSMO CAMPODONICO**, recover and have judgment against the defendant, **WAL-MART STORES EAST, LP** in the amount of **SIX HUNDRED THIRTY THREE THOUSAND SIX HUNDRED TWO DOLLARS AND TWENTY TWO CENTS (\$633,602.22)**, representing the present value of the award to Plaintiff

for future pain and suffering, after deduction of attorney's fees and expenses, and it is further


ORDERED AND ADJUDGED, that based on the above award in the amount of **SIX HUNDRED THIRTY THREE THOUSAND SIX HUNDRED TWO DOLLARS AND TWENTY TWO CENTS (\$633,602.22)** the defendant, **WAL-MART STORES EAST, LP**, be and hereby is directed to offer and purchase and guarantee payment to Plaintiff via an annuity contract issued by an insurance carrier, designated as qualified by the Superintendent of The New York State Department of Financial Services and rated A+ or better by A.M. Best Co., of the following annual payments in equal monthly installments payable in advance as follows:

- (a) For future pain and suffering – **SIXTY ONE THOUSAND SIXTY SIX DOLLARS AND NINETY TWO CENTS (\$61,066.92)** per annum in equal monthly installments, payable in advance, in the amount of **FIVE THOUSAND EIGHTY EIGHT DOLLARS AND NINETY ONE CENTS (\$5,088.91)** per month and increased by 4% per year and compounded annually and extending for the shorter of ten (10) years or the life of **COSMO CAMPODONICO**,

ORDERED AND ADJUDGED, that plaintiff, **COSMO CAMPODONICO**, residing at 296 Piermont Avenue, South Nyack NY 10960, recover and have judgment against the defendant, **WAL-MART STORES EAST, LP**, and that the total present value of the award payable to **COSMO CAMPODONICO** is **ONE MILLION FIVE HUNDRED SIXTY FOUR THOUSAND TWO HUNDRED NINETY SEVEN DOLLARS AND THIRTY THREE CENTS (\$1,564,297.33)** representing the present value of the award to Plaintiff, Plaintiff, plus

interest from the liability date August 5, 2022 to the entry of judgment as calculated by the Clerk of the Court in the per diem amount of \$ 385.71 for 39 days for pre-judgment interest in the sum of \$ 15,042.69, and costs and disbursements, if any, as taxed by the Clerk to the extent permitted by 28 USC section 1920 and Local Civil Rule 54.1

ORDERED AND ADJUDGED, that plaintiff, **COSMO CAMPODONICO**, be awarded post judgment interest from the date of entry of this judgment until all cash sums are paid in full and the aforementioned annuity is purchased in accordance with this judgment and 28 USC 1961.


HONORABLE ANDREW E. KRAUSE,
MAGISTRATE JUDGE

Judgment Entered this 13th

Day of September, 2022